IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 6561 of 1995

Between:

Poosapati Nadipi Reddanna, s/o. Venkatappa,

R/o. Gorlamudiveedu village, Rayachoty mandal,

Cuddapah dist.

AND

1)Govt. of A.P., rep. by its Secretary, Revenue Department,
Secretariat, Hyderabad.

2)The Commissioner of Land Revenue, Andhra Pradesh, Hyderabad.

3)The Joint Collector, Cuddapah

4)The Revenue Divisional Officer, Cuddapah

5)The Mandal Revenue Officer, Rayachoti, Cuddapah

6)Toomati Ramasubbamma, w/o. late Obulaiah,

r/o. Gorlamudiveedu village, Rayachoti mandal,Cuddapah dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the order passed by the third respondent in D.Dis No. (B9) 7814/90, dated 19.07.1991 as confirmed by the second respondent in his proceedings CLR's Ref. BCW.5/2487/91, dt. 05.12.1994 as illegal and void.

Counsel for the Petitioner: Mr.T.Niranjan Reddy

Counsel for the Respondent Nos. 1 to 5: G.P. for Revenue(assignments)

Counsel for the respondents 5: None appeared.

The Court made the following :

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No. 6561 of 1995

ORDER:

The petitioner herein, who claims to be purchaser from original assignee, filed this Writ Petition, *inter alia*, seeking to assail the orders of the second respondent dated 5.12.1994 dismissing the revision by the petitioner confirming the orders of the third respondent dated 19.07.1991, as illegal.

The facts, which are not in dispute, are that the land is an assigned land and on the complaint made that there is alienation contrary to the terms and conditions and the provisions of the A.P. Assigned Lands (prohibition of transfers) Act, 1977 (Act 9 of 1977), though initially the claim of the petitioner was sought to be upheld by the orders of the Revenue Divisional Officer, but the same was set aside by the third respondent herein as per the orders dated 19.07.1991 holding that the purchase made by the petitioner is in the teeth of prohibition as contained, and restored the same to the daughter-in-law of the original assignee. On further revision by the petitioner before the second respondent herein, the same was confirmed.

Having heard the learned counsel on either side and on perusal of the material, the point which falls for consideration is as to whether the claim of the petitioner is sustainable ?

Admittedly, the petitioner is a purchaser from the assignee, which is

quite contrary to not only the provisions as contained in the conditions of the assignment, but also is in the teeth of the aforesaid Act. Having regard to the findings of fact as arrived at by the respondents 3 and 2, it is not open for this Court to go into the correctness thereof. In view of the same, I do not find any merits in the Writ Petition.

The Writ Petition is, accordingly, dismissed. No costs.

(B.Prakash Rao, J.)

17.03.2005

DRK

Copy to:

1)The Secretary, Revenue Department, Govt. of A.P., Secretariat, Hyderabad.

2)The Commissioner of Land Revenue, Andhra Pradesh, Hyderabad.

3)The Joint Collector, Cuddapah

4)The Revenue Divisional Officer, Cuddapah

5)The Mandal Revenue Officer, Rayachoti, Cuddapah

6) Two CCs. to the G.P. for Revenue (assignments), High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

7) Two CD copies.